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SENATE BILL 1227

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

FERNANDO R. MACIAS

AN ACT

RELATING TO PROCUREMENT OF PERSONAL SERVICES FOR COUNTY PUBLIC  
WORKS; AMENDING AND ENACTING SECTIONS OF THE PROCUREMENT CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Procurement Code, Section  
13-1-117.3 NMSA 1978, is enacted to read:

"13-1-117.3. [NEW MATERIAL] COUNTIES--REQUESTS FOR  
PROPOSALS--PUBLIC WORKS PROJECTS.--A county with regard to  
public works projects may in the interest of economy and  
efficiency consolidate and categorize one or more like projects  
for public works in the fiscal year under a single-fiscal-year  
program designation regardless of the individual funding sources  
for each of the programs contained in the designation. For any  
single-fiscal-year program designation, the county may issue one  
request for proposals for each of the professional services

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1 sought. "

2 Section 2. Section 13-1-120 NMSA 1978 (being Laws 1984,  
3 Chapter 65, Section 93, as amended) is amended to read:

4 "13-1-120. COMPETITIVE SEALED QUALIFICATIONS-BASED  
5 PROPOSALS- - ARCHITECTS- - ENGINEERS- - LANDSCAPE ARCHITECTS- -  
6 SURVEYORS- - SELECTION PROCESS. - -

7 A. For each proposed state public works project [~~or~~]  
8 local public works project or single-fiscal-year program  
9 designation of a county, the architect, engineer, landscape  
10 architect and surveyor selection committee, state highway and  
11 transportation department selection committee or local selection  
12 committee, as appropriate, shall evaluate statements of  
13 qualifications and performance data submitted by at least three  
14 businesses in regard to the particular project and may conduct  
15 interviews with and may require public presentation by all  
16 businesses applying for selection regarding their  
17 qualifications, their approach to the project and their ability  
18 to furnish the required services.

19 B. The selection committee shall select, ranked in  
20 the order of their qualifications, no less than three businesses  
21 deemed to be the most highly qualified to perform the required  
22 services, after considering the following criteria together with  
23 any criteria, except price, established by the using agency  
24 authorizing the project:

25 (1) specialized design and technical competence

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1 of the business, including a joint venture or association,  
2 regarding the type of services required;

3 (2) capacity and capability of the business to  
4 perform the work, including any specialized services, within the  
5 time limitations;

6 (3) past record of performance on contracts  
7 with government agencies or private industry with respect to  
8 such factors as control of costs, quality of work and ability to  
9 meet schedules;

10 (4) proximity to or familiarity with the area  
11 in which the project is located;

12 (5) the amount of design work that will be  
13 produced by a New Mexico business within this state; and

14 (6) the volume of work previously done for the  
15 entity requesting proposals which is not seventy-five percent  
16 complete with respect to basic professional design services,  
17 with the objective of effecting an equitable distribution of  
18 contracts among qualified businesses and of assuring that the  
19 interest of the public in having available a substantial number  
20 of qualified businesses is protected; provided, however, that  
21 the principle of selection of the most highly qualified  
22 businesses is not violated.

23 C. Notwithstanding the requirements of Subsections A  
24 and B of this section, if fewer than three businesses have  
25 submitted a statement of qualifications for a particular

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1 project, the committee may:

2 (1) rank in order of qualifications and submit  
3 to the secretary or local public body for award those businesses  
4 which have submitted a statement of qualifications; or

5 (2) recommend termination of the selection  
6 process and sending out of new notices of the proposed  
7 procurement pursuant to Section 13-1-104 NMSA 1978.

8 D. The names of all businesses submitting proposals  
9 and the names of all businesses, if any, selected for interview  
10 shall be public information. After an award has been made,  
11 final ranking and evaluation scores for all proposals shall  
12 become public information. Businesses which have not been  
13 selected shall be so notified in writing within twenty-one days  
14 after an award is made. "